



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 5, 1998

Ms. Heather Silver  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-2364

Dear Ms. Silver:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 118434.

The Dallas Police Department (the "department"), which your office represents, received a request for "any police reports that you may have regarding a homicide that occurred on May 16, 1986," concerning a specified individual. Although you have released certain information, you contend that the submitted "polygraph exam results" must be withheld pursuant to section 552.101 of the Government Code in conjunction with the applicable statute. We have considered the exception and arguments you have raised and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section also encompasses information protected by other statutes. Texas law prohibits the public disclosure of the results of polygraph examinations. V.T.C.S. art. 4413(29cc). The documents at issue include the results of a polygraph examination. Section 19A(b) of article 4413(29cc), V.T.C.S. provides as follows:

Except as provided by Subsection (d) of this section, a person for whom a polygraph examination is conducted or an employee of the person may not disclose to another person information acquired from the examination.

Both polygraph reports and references to polygraph results are confidential under section 19A(b), and the department must withhold such information from disclosure pursuant to section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/nc

Ref: ID# 118434

Enclosures: Submitted documents

cc: Officer D. Lewis  
Hollywood Detective Section  
1358 North Wilcox Avenue  
Los Angeles, California 90028  
(w/o enclosures)